

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-14 are currently pending in the application. Claims 8-14 were withdrawn from consideration without prejudice or disclaimer of subject matter. Claims 1-7 remain under consideration.

Claims 1, 6, 7-11, 13 and 14 are independent. Claims 1, 2 and 6-14 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. CLAIM OBJECTIONS**

Claims 1, 2, 6 and 7 have been amended to overcome the objection to informalities stated in the Office Action.

Applicants respectfully request withdrawal of the objections to claims 1, 2, 6 and 7.

### III. REJECTIONS UNDER 35 U.S.C. §102

Claims 1-7 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,952,521 to Kelly et al. (hereinafter, merely “Kelly”).

Applicants respectfully traverse these grounds of rejection. As discussed below, Kelly is not prior art because the foreign priority date of the present application is prior to the U.S. filing date of Kelly.

Kelly is not prior art to the present application because Kelly has a U.S. filing date of **March 26, 2001** that is **after** Applicant’s foreign priority date of **June 14, 2000**. Applicant may rely on his foreign priority date under 35 U.S.C 119(a) to establish a date of invention earlier than a reference that has a U.S. filing date that is later than Applicant’s foreign priority date, even if the reference has a foreign priority date that precedes Applicant’s foreign priority date. 35 U.S.C. 102(e)(2).

To overcome the rejection based upon Kelly, Applicant submits herewith a verified English translation of priority Japanese application 2000-178727, filed in Japan on June 14, 2000. In the original Inventors’ Declaration, Applicant asserted a claim of priority to this Japanese application. It is readily apparent that claims 1-7 find support in this priority application.

Accordingly, Applicant submits that Kelly is disqualified as prior art in a rejection under 35 U.S.C. 102(e). Thus, all of the outstanding rejections based upon Kelly in the above-noted Office Action are overcome. Claims 1-7 were rejected only over Kelly and these rejections must be withdrawn.

In view of above statements, withdrawal of the rejection of claims 1-7 under 35 U.S.C. §102(e) is respectfully requested.

CONCLUSION

Claims 1-7 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

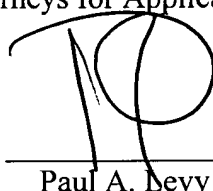
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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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